S.B. Criminal Misc. II Bail Application No. 2051/2006
(Ram Narain Vs. State of Rajasthan)

Date of Order: May 18, 2006

HON'BLE MR. H.R. PANWAR, J.

Mr. S.R. Sharma, for the petitioner.
Mr. JPS Chaudhary, Public Prosecutor for the State.

This is second bail application. The first bail application came to be dismissed on 4-4-2006 as it was not pressed by the learned counsel for the petitioner appearing therein.

I have heard learned counsel for the petitioner and the Public Prosecutor appearing for the State. Carefully gone through the Challan papers and the statements of PW 1 Banwari. PW 2 Satya Narain and PW 3 Hem Raj recorded by the trial Court. I have also carefully gone through the statements of witness Khyali Ram who alleged to have came on the spot at the time of the occurrence. The deceased himself made a statement under Section 161 Cr.P.C., wherein he stated that Banwari and Leelu came on the spot and tried to extinguish the fire.

It is contended by the learned counsel for the petitioner that Banwari has stated that he asked deceased Prabhu Dayal as to how he caught the fire, whereupon the deceased informed that he himself lit the fire. In cross-

examination, he categorically stated that neither petitioner Ram Narain nor his wife or daughter had lit the fire. On the contrary,the petitioner, his wife and daughter tried to extinguish the fire. Similar is the statement of PW 2 Hem Raj, who, on reaching the place of occurrence, inquired from the deceased as to how he caught the fire and the deceased informed that he himself sprinkled the diesel on his body and lit the fire.

In the statement of Khyali Ram under Section 161 Cr.P.C. also, the witness has stated that on being asked, the deceased stated that first he tried to commit suicide by falling in a river and thereafter he brought the diesel, sprinkled on his body and lit the fire, though in the dying declaration made before the Magistrate, the deceased stated that it was the petitioner who lit the fire.

Be that as it may, keeping in view the evidence of the prosecution witnesses so far recorded, without commenting on the merit of the case, having regard to all the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused-petitioner on bail.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Ram Narain S/o Gopal Ram be released on bail in FIR No. 64/2005, Police Station, Rajiyasar, provided he executes a personal bond

for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R. PANWAR), J.

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